

Cheryl R. Winn
Attorney At Law

RECEIVED

JUL - 5 2005

PUBLIC SERVICE
COMMISSION

June 30, 2005

Ms. Beth O'Donnell
Executive Director
Public Service Commission
211 Sower Boulevard
P. O. Box 615
Frankfort, KY 40602

Re: Patricia Conner, Complainant v. BellSouth Telecommunications,
Inc., Defendant
PSC 2005-00220

Dear Ms. O'Donnell:

Enclosed for filing in the above-captioned case are the original and ten
(10) copies of the Amended Answer of BellSouth Telecommunications, Inc.

Sincerely,


Cheryl R. Winn

Enclosure

cc: Patricia Conner

591663

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

RECEIVED
JUL - 5 2005
PUBLIC SERVICE
COMMISSION

In the Matter of:

PATRICIA CONNER)	
)	
COMPLAINANT)	
)	
v.)	CASE NO. 2005-00220
)	
BELLSOUTH TELECOMMUNICATIONS, INC.)	
)	
DEFENDANT)	

AMENDED ANSWER OF BELLSOUTH TELECOMMUNICATIONS, INC.

The Defendant, BellSouth Telecommunications, Inc. ("BellSouth"), by counsel, for its answer to the complaint of Patricia Conner ("Ms. Conner"), states as follows:

The Complaint filed by Patricia Conner pertains to an outstanding final bill owed to BellSouth for residential service rendered to her mother, Annie Story aka Anna Chenault ("Ms. Story/Chenault"), under account 502 253 9448 296 ("Story Oak Branch Road account"). The account was established in the name of Annie Story on May 19, 1997, to serve the residence located at 610 Oak Branch Road, Louisville, Kentucky. Service was disconnected on the Story Oak Branch Road account on December 17, 2003 for nonpayment of past due regulated charges. The regulated balance on the Story Oak Branch Road account is \$1,005.93 and the non-regulated balance is \$1,160.83.

During the same time period as the final bill on the Story Oak Branch Road account, Ms. Story/Chenault also had residential service at 4314 Bishop Lane, Apartment 101, Louisville, Kentucky from May 29, 2001 through January 25, 2002 (the "Story Bishop Lane account").

Service was disconnected on January 25, 2002 for nonpayment of the regulated charges on the Story Bishop Lane account.

On May 26, 2004, Ms. Conner established residential service at 610 Oak Branch Road, Louisville, Kentucky, under account 502 253 1832 189 (“Conner Oak Branch Road account”) – this is the same residential address for the Story Oak Branch Road account. On May 9, 2005 BellSouth mailed a notice to Ms. Conner advising payment was due and requested a payment of \$685.38 by May 16, 2005 to avoid interruption of service. The notice advised the regulated charges past due, \$77.86, and non-regulated charges past due, \$607.52. The customer did not respond to the notice and service was interrupted for nonpayment of regulated charges of \$77.86 on the Conner Oak Branch Road account on May 24, 2005. Ms. Conner made payment of \$79.00 on the Conner Oak Branch Road account on May 25, 2005; however, pursuant to the General Subscriber Services Tariff, service was not restored because of the outstanding final bill on the Story Oak Branch Road account at the same address.

BellSouth requested Ms. Conner provide proof that she did not reside at the final bill location during the time of the final bill on the Story Oak Branch Road account. To date, Ms. Conner has not provided the requested information. Additionally, a review of the public records of the Jefferson County Property Valuation Administrator reveal Ms. Conner purchased the property at 610 Oak Branch Road, Louisville, Kentucky on October 31, 2000 (includes time of the final bill for the Story Oak Branch Road account). During conversations with BellSouth Collections, Ms. Conner advised the Story Oak Branch Road account final bill had been included in an “amended” bankruptcy filing in Ms. Conner’s bankruptcy discharge, U.S. Bankruptcy Court for the Western District of Kentucky Bankruptcy Petition #03-35075 (the “Conner bankruptcy”). BellSouth requested Ms. Conner provide proof the final bill on the Story Oak

Branch Road account had been included in the Conner bankruptcy because the bill was in a different name and social security number.

Ms. Conner advised BellSouth the Story Oak Branch Road account final bill had been included in an Amendment of Schedule of Creditors filed in the Conner bankruptcy on December 30, 2004. BellSouth's bankruptcy department subsequently learned, through examination of public records, that the Conner bankruptcy was discharged September 29, 2004 and the Amended Schedule was never scheduled in court and discharged by the court in the Conner bankruptcy.

Ms. Conner advised BellSouth that she has power of attorney for her mother, Ms. Story/Chenault, and that Ms. Story/Chenault claimed responsibility for the final bill on the Story Oak Branch Road account final bill. Ms. Conner subsequently provided BellSouth with a Power of Attorney, Exhibit 1, which appears facially deficient. The Power of Attorney was executed by Ms. Story/Chenault on May 27, 2005 but notarized on January 4, 2005. Additionally, Ms. Conner advised BellSouth Ms. Story/Chenault has petitioned by bankruptcy in the United States Bankruptcy Court for the Western District of Kentucky in Petition # 04-37602, (the "Story/Chenault bankruptcy"). However, the Story Oak Branch Road account final bill has not been included in that proceeding. Public records indicated the final report is due to be issued by the United States Trustee on June 27, 2005 in the Story/Chenault bankruptcy. Finally, Ms. Story/Chenault has not provided a valid social security number on the Story Oak Branch Road account final bill which would be required to add the debt to the Story/Chenault bankruptcy.

The issue in this Complaint is whether BellSouth can deny Ms. Conner service based on the delinquent final bill on the Story Oak Branch Road account. Pursuant to BellSouth's General Subscriber Services Tariff, BellSouth may refuse service to any applicant desiring to establish service or it may suspend service if the subscriber for the service has not made satisfactory

arrangements for payment of the prior indebtedness regardless of the listing. See Exhibit 2, Excerpt from BellSouth Telecommunications, Inc.'s General Subscriber Services Tariff 2A, A.2.3.5. BellSouth continued the suspension of Conner's Oak Branch Road account when its investigation revealed she lived at and owned the location of the final bill on the Story Oak Branch Road account during the period of the final bill on the Story Oak Branch Road account.

Despite having ample opportunity to do so, Ms. Conner has not provided BellSouth proof that she did not reside at the final bill location for the Story Oak Branch Road account, nor has she provided BellSouth with documentation to prove the final bill was discharged in the Conner bankruptcy or is scheduled to be discharged in the Story/Chenault bankruptcy.

BellSouth will restore service to Ms. Conner, account 502 253 1832 189 (the Conner Oak Branch Road account), once payment of the regulated charges of \$1,005.93 is made on the final bill in the name of Annie Story, account 502 253 9448 296 (the Story Oak Branch Road account), or if Ms. Conner provides proof she did not reside at 610 Oak Branch Road, Louisville, Kentucky, during the time of the final bill on the Story Oak Branch Road account (May 19, 1997 – December 17, 2003). Additionally, BellSouth will restore service if Ms. Conner provides verifiable information to prove the account should be included in Ms. Story/Chenault's bankruptcy filing, 04-37602.

FIRST DEFENSE

1. The Complaint fails to state a cause of action upon which relief can be granted.

SECOND DEFENSE

2. BellSouth submits no response is required to grammatical paragraph 1 of the Complaint.

3. With regard to the allegation contained in grammatical paragraph 2 of the Complaint, BellSouth denies the allegations. BellSouth affirmatively states that Judy Archey,

Supervisor, BellSouth Regional Bankruptcy Center, advised Ms. Conner that pursuant to the applicable General Subscriber Services Tariff, BellSouth reserves the right to refuse service to any applicant who is found to be indebted to the Company for service previously furnished until satisfactory arrangements have been made for the payment of all such indebtedness. BellSouth further states it requested proof Ms. Conner did not reside at the final bill location of the Story Oak Branch Road account and/or documentation that would provide proof that the debt was included in the Conner bankruptcy. To date, Ms. Conner has not furnished BellSouth with valid information to have her service restored on the Conner Oak Branch Road account.

4. With respect to the allegations contained in grammatical paragraph 3 of the Complaint, BellSouth admits only that Ms. Conner advised BellSouth that she had included this debt in the Conner bankruptcy. BellSouth denies all other allegations contained in grammatical paragraph 3 of the Complaint. BellSouth further affirmatively states that Ms. Conner was advised on multiple occasions her working service was in jeopardy because of the final bill on the account at the same location as her working service. BellSouth requested Ms. Conner provide it proof that she did not reside at the final bill location and/or documentation that would provide proof that the debt was included in the Conner bankruptcy filing, Docket 03-35075, that was “Discharged” on or about September 29, 2004. An examination of the public record of Ms. Conner’s bankruptcy proceeding indicates the amended document provided to the Kentucky Public Service Commission was filed after the date of Ms. Conner’s discharge and was never acted on by the court. Accordingly, to date, the Story Oak Branch Road account final bill has not been discharged in bankruptcy.

5. With respect to the allegations contained in grammatical paragraph 4 of the Complaint, BellSouth denies the allegations regarding having received a call from the Kentucky Public Service Commission. BellSouth affirmatively states it contacted Ms. Conner on May 27,

2005, via a 3-way conference call with Ms. Conner, Collections, and Bankruptcy departments to advise Ms. Conner what information she would need to provide to BellSouth in order to have her service restored. The following information was requested: (a) legible photo id for both Patricia Conner and Anna K. Story/Chenault; (b) a valid Durable Power of Attorney; and (c) documentation from Ms. Story/Chenault's attorney affirming that Ms. Story/Chenault is responsible for the final bill, 502 253-9448-296, the Story Oak Branch Road account, in the amount of \$2,166.76, along with assurance that the debt will be included in Ms. Story/Chenault's bankruptcy filing, Docket 04-37602. BellSouth further advised Ms. Conner the documentation would need to be provided on Ms. Story/Chenault's attorney's letterhead.

6. BellSouth denies the allegations contained in grammatical paragraph 5 of the Complaint. BellSouth affirmatively states that despite Ms. Conner's protestation otherwise, she owned and resided at the final bill location during the period of time covered by the final bill on the Story Oak Branch Road account. She accepted responsibility for the final bill by attempting to include it in her bankruptcy filing. Further, a review of the Jefferson County Property Valuation Administrator's records reveals that Ms. Conner purchased the property located at 610 Oak Branch Road, Louisville, Kentucky on October 31, 2000 well in advance of the final bill date on the Story Oak Branch Road account. BellSouth further states that during conversations with Collections and Bankruptcy personnel, Ms. Conner has never denied living at the final bill location during the time of the delinquency accumulated. BellSouth will restore service to Ms. Conner, account 502 253 1832 189 (the Conner Oak Branch Road account), once payment of the regulated charges of \$1,005.93 is made on the final bill in the name of Annie Story, account 502 253 9448 296 (the Story Oak Branch Road account), or if Ms. Conner provides proof she did not reside at 610 Oak Branch Road, Louisville, Kentucky, during the time of the final bill on the Story Oak Branch Road account (May 19, 1997 – December 17, 2003). Additionally, BellSouth

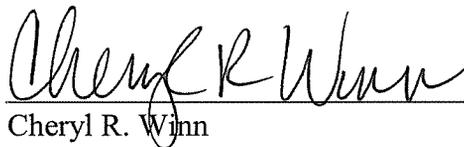
will restore service if Ms. Conner provides verifiable information to prove the account should be included in Ms. Story/Chenault's bankruptcy filing, 04-37602. The power of attorney previously provided to BellSouth is facially deficient. The signature date of Ms. Story/Chenault is subsequent to the notary date of the document.

7. With respect to the allegations contained in grammatical paragraph 6 of the Complaint, BellSouth denies the allegations. BellSouth affirmatively states it will restore Ms. Conner's service upon the verifiable documentation as outlined in numerical paragraph 6 of this Answer to Ms. Conner's complaint.

8. All allegations contained in the Complaint not specifically admitted are denied.

WHEREFORE, BellSouth respectfully requests that this Complaint be dismissed and held for naught and BellSouth be granted any and all other relief to which it may appear entitled.

Respectfully submitted,



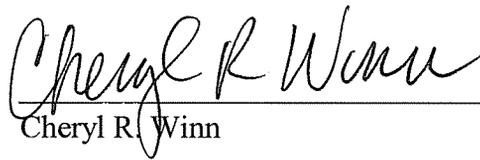
Cheryl R. Winn
601 W. Chestnut Street, Room 407
P. O. Box 32410
Louisville, KY 40232
Telephone: (502) 582-1475
Facsimile: (502) 582-1573

COUNSEL FOR BELLSOUTH
TELECOMMUNICATIONS, INC.

CERTIFICATE OF SERVICE

It is hereby certified that a true and correct copy of the foregoing was served on the following individual by mailing a copy thereof, this 30th day of June 2005.

Patricia Conner
610 Oak Branch Road
Louisville, KY 40245


Cheryl R. Winn